

**CITY OF WENATCHEE  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
<b>CUP-15-01</b>	)	<b>DECISION AND</b>
<b>Wenatchee School District</b>	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on April 2, 2015, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. This application was submitted by the Wenatchee School District on February 19, 2015 for a Conditional Use Permit: School. On February 19<sup>th</sup>, 2015, the Wenatchee School District 246 submitted an application for a conditional use permit for the purpose of modernizing the existing Abraham Lincoln Elementary School (Lincoln Elementary) including the addition of a classroom wing (to replace existing portable classrooms), new main entry, and gymnasium. The proposed building will be approximately 82,007 square feet. The site will be reconfigured to enlarge the parking lot and relocate the bus drop off and pick up area to Cascade Street. A sidewalk is planned around the bus area and between the bus area and building. New sidewalks will be constructed around the parking lot to provide connection to the building, and several sidewalks at adjacent intersections will be reconfigured to allow for ADA access along with striped crosswalks. A new play area will be shifted to the northwest side of the building with paved and grass areas, and new play equipment. A portion of the paved area has been identified for four future portable classrooms and utilities will be installed and capped for future use if needed. The play area will be fenced and the site will be landscaped to meet City of Wenatchee standards.
2. The application is for the purpose of modernizing the existing Abraham Lincoln Elementary School (Lincoln Elementary) including the addition of a classroom wing (to replace existing portable classrooms), new main entry, and gymnasium.
3. The application was processed as a Type III quasi-judicial review for conditional use permits pursuant to WCC 13.09.050. A public hearing is required for the application on April 2, 2015.
4. A pre-application meeting was held on July 31, 2014.
5. The subject site contains two parcels approximately 13.4 acres in size and currently improved with a school building, parking lot, portable classrooms, and play area. The existing building is approximately 45,412 square feet and there are 5 portable classrooms on site; three are each 1,792 square feet and two are each 1,728 square feet. The total amount of lot coverage existing on the subject property is 50,806 square feet. The site is generally flat.

6. **Utilities / Services**

Sanitary Sewer: City of Wenatchee  
Domestic Water: City of Wenatchee  
Power/Electricity: Chelan County P.U.D.  
Fire Protection: Wenatchee Fire Department  
Police Protection: Wenatchee Police Department

7. **Access**

Access to the subject site is from Methow Street which is improved with a curb and sidewalk. The application is proposing to relocate the existing bus loading area from Methow Street to Cascade Street and expanding the existing parking area which is accessed from Methow Street.

8. **Surrounding Properties**

North: Lincoln Street is adjacent to the property with residential properties located across street; zoned Residential Moderate (RM).

South: Residential properties are adjacent; zoned RM.

East: Methow Street is adjacent to the property with residential properties located across the street; zoned RM and Residential High (RH).

West: Cascade Street is adjacent to the property with residential properties located across street; zoned Residential Moderate (RM).

9. The subject property is located within the Residential Moderate (RM) zoning district.
10. The Wenatchee Urban Area Comprehensive Plan land use designation is RM.
11. The proposed action is located at 1224 Methow Street, Wenatchee; and identified by Assessor's Parcel Nos.: 22-20-15-120-250 and 22-20-10-432-100.
12. The subject property is approximately 13.4 acres in size.
13. The applicant / property owner is Wenatchee School District.
14. Schools are permitted as a Conditional Use in the RM zoning district.
15. The proposal is consistent with the provisions of Title 10 Zoning.
16. The Wenatchee School District maintained SEPA lead agency status per WAC 197-11-924. The SEPA checklist was prepared on November 23, 2014 and issued a determination of Non-Significance on January 14, 2015.

17. The proposal is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.
18. Agency comments were received from the City of Wenatchee Development Review Engineer has submitted a report dated March 23, 2015 identifying required transportation and street frontage improvements and the availability of storm, water, and sewer.
19. The proposed action is subject to land use policies and provisions of the City of Wenatchee Urban Area Comprehensive Plan and zoning and development regulations of the Wenatchee City Code.
20. The subject site is outside of the 200' shoreline jurisdiction.
21. The subject site is not identified within the current critical area maps used by the City.
22. A Determination of Completeness was issued on March 6, 2015.
23. The Notice of Application was submitted on March 9, 2015.
24. The Notice of Public Hearing was submitted on March 20, 2015.
25. Agency Comments: One agency comment was received on the proposal:
  - The City of Wenatchee Development Review Engineer has submitted a report dated March 23, 2015 identifying required transportation and street frontage improvements and the availability of storm, water, and sewer. Staff recommended that the report be identified as a condition of approval, requiring verification of compliance of the applicable standards and the recommended conditions of approval.
26. No public comments were received.
27. The applicant's proposal to modernize and expand the existing Lincoln Elementary meets the intent of policy 1 under the Civic Life Chapter to "support the public school system and provide for its growth" and policy 2 under Facilities and Infrastructure Chapter to "strengthen and enhance Wenatchee's places for education experiences, broadening education for all sectors of the community". The proposed development will support the growth of the elementary school by modernizing the structures and enhancing the efficiency and safety of the building.
28. Policy 6 under Residential Development states that "new non-residential development in existing residential neighborhoods should be designed (landscaping and building design) and operated (traffic, noise, lighting, hours) to be compatible with the existing neighborhood". While the school is existing within the residential neighborhood, the proposal includes new additions and exterior siding to the structure. The proposal also includes the addition of landscaping to the site in accordance with the Wenatchee City Code. Transportation impacts are being address through the expansion of the parking area and the relocation of the bus loading area to Cascade Street. Additionally, a freight delivery and Waste Management access is being

added off of Methow south of the parking area. This access has been designed to avoid trucks backing out on to Methow.

29. Degraded and insufficient sidewalks will be replaced and sidewalks are being added to the East side of Cascade Street to the corner of Fairfield Lane. Half street improvements are proposed consistent with Wenatchee City Code to Cascade Street between Red Apple Road and Fairfield Lane. Pedestrian access is also being improved within the area with the addition of ADA accessible curb cuts to the northeast corner of Red Apple Road and Cascade Street, southeast corner of Hainsworth Street and Cascade Street, northwest corner of Hainsworth Street and Cascade Street, northwest corner of Marr Street and Methow Street, and northwest corner of Marjo Street and Methow Street. All of the above mentioned street improvements are consistent with policy 1 under the Walkable Communities Chapter that states "consider the potential for residents and/or employees to walk to parks, schools, and shopping throughout the development review process".
30. Building setbacks are required at a minimum of 25 feet for the front yard. The existing building and additions are to be constructed on parcel no. 22-20-15-120-250 which has two front yard setbacks from Methow Street and Cascade Street. The building footprint for Lincoln Elementary meets the minimum front yard setback requirements with closest distance being 38 feet from the property line adjacent to Methow Street.
31. The minimum rear and side yards setbacks are 15 feet and 5 feet, respectively plus one-half foot for each foot by which the building height exceeds 20 feet where the rear or side adjoins an RM zoning district pursuant to the conditional use criteria in WCC Section 10.65.280. The subject property only has two side yards and no rear yard setback due to the other sides being consider fronts. Both sides adjoin an RM zoning district and the building has a maximum height of 32 feet. Therefore, the south and north property lines have a side yard setback of 17 feet. The proposed building footprint meets the minimum side yard setback with the closest distance being 118' from the South property line.
32. The Lincoln Elementary building height is allowed at 40 feet pursuant to WCC Section 10.65.280. The existing building height is approximately 32 feet and the maximum height of the new addition is approximately 30 feet.
33. The existing building and additions will be constructed on parcel no. 22-20-15-120-250 which is approximately 397,267 square feet. The proposed building footprint is 82,007 square feet. Lot coverage is allowed at maximum of 45 percent. The proposed lot coverage is approximately 20.6 percent and meets this requirements.
34. A portion of the new parking area will be placed on parcel no. 22-20-10-432-100. However, no structures are proposed to be placed or constructed on this property.
35. Pedestrian connections, WCC 10.48.090, are required for building entrances from adjacent public streets and internal parking locations. The proposal includes sidewalks leading into the building entrances from both Methow Street and Cascade Streets and sidewalks along the building, parking lot, and streets as well.

36. Refuse storage, WCC 10.48.240, is required to be in a dumpster, not in a front yard areas and generally not visible to surrounding streets or adjoining properties. The site plan, dated March 3, 2015, includes a refuse storage location that meets the intent of these criteria using a combination of architectural element and landscaping to obscure the refuse storage from view.
37. Pursuant to Architectural Design, WCC 10.48.080(4), the school building is required to comply with this section to demonstrate that it meets the criteria for architectural scale provide for schools in WCC Section 10.65.280(7). The applicant has included as part of the application materials elevation drawings demonstrate that the additions to the existing structure are consistent with this section of code. The new classroom wing will be added to the west side of the existing building and configured to match the remodeled existing wings. The existing classrooms will be expanded out making use of the existing large over hangs of the building. The large overhangs will be maintained on the remained of the building. The variation between short and wide overhangs and also variations in the roof heights are architectural design elements which address the criteria for building articulation and horizontal building modulation. The building entrance is being relocated to the north side of the building facing the parking lot. The building entrance will include a canopy and the wall material at the entry is brick. The remainder of the entrances will be protected by the wide roof overhangs and trim detailing is included around the exterior doors and windows.
38. Vehicle parking is required to be to the rear or side of buildings. The parking area is existing on the north side of the building and will be expanded further north.
39. The required number of parking stalls is based on the land uses as an elementary school which is 2 spaces per classroom. The Occupancy and Exiting Plan dated March 2, 2015 shows 31 classrooms; therefore 62 parking spaces are required. The site plan and narrative indicate that 122 spaces are being provided. The proposed parking meets current requirements and appears sufficient to accommodate the additional of future portable classrooms.
40. The site plan dated March 3, 2015 and Proposed Signage and Future Signage narrative shows the existing reader board will be relocated and reduce in height from 11' 6" to approximately 7' to 8' measured from the bottom of the sign. The existing sign will be required to meet the minimum regulations of the Wenatchee City Code Section 10.50.030.
41. The application materials indicate that a future monument reader board sign is proposed at the most northern access point. A sign permit will be required prior to placement of the future sign to be reviewed for consistency with the Wenatchee City Code Chapter 10.50 Signs.
42. A landscaping plan was submitted with the application materials and was reviewed to determine that the required space and location for landscaping will be provided pursuant to WCC 10.62.100 Residential zones and WMU recreational/residential overlay. The areas identified for the street frontage landscaping, perimeter landscape screening, parking lot, and façade landscaping met the requirements of this section. The landscape plan provided insufficient detail on the plant spacing and types for the parking lot and façade landscaping. Additionally, the perimeter landscaping shows trees planted 40' on and does not indicate the

types of trees to be planted. Staff recommended as a condition of approval that a revised landscape plan be submitted that addresses all applicable requirements of WCC 10.62.

43. The general criteria for conditional use permits requires that the proposal is compatible with adjacent uses and will protect the character of the surrounding area and will not result in undue adverse impacts affecting the public health, safety, and welfare. The use already exists on the site and the proposed redevelopment of the school will continue to be compatible with the adjacent residential uses and will not cause any adverse impacts.
44. The application materials have been reviewed and determined to be consistent with the specific criteria for schools in the sections above.
45. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
46. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
47. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
48. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
49. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
50. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
51. The proposed conditional use will comply with all required performance standards specified in Wenatchee Municipal Code.
52. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Wenatchee Municipal Code.
53. The proposal conforms to the standards specified in the Wenatchee Municipal Code.
54. An open record public hearing after due legal notice was held on April 2, 2015.
55. The entire Planning Staff file was admitted into the record at the public hearing.

56. The City of Wenatchee Department of Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
57. Appearing and testifying on behalf of the applicant was Brian Visscher. Mr. Visscher testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Visscher testified that while they would be removing all five of the existing portable classrooms, they would retain space for placement of four portable classrooms in the future should the need arise. Part of this conditional use permit is to provide utilities to the area where these four potential portable classrooms would be located. Mr. Visscher also testified that all of the proposed conditions of approval were acceptable.
58. No member of the public testified at the hearing.
59. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. As conditioned, the proposal is consistent with the intent, purposes, and regulations of the Wenatchee City Code and Comprehensive Plan.
3. As conditioned, this proposal meets the general and specific conditional use criteria for WCC 10.65.280 "Schools".
4. The conditional use permit will run with the land.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Comments from the reviewing agencies have been considered and addressed where appropriate.
7. As conditioned, the proposal will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.
8. As conditioned, the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, odor, dust, and appearance.
9. The conditions of approval are the minimum necessary to ensure the proposal will comply with all applicable laws and regulations.

10. All conditions place upon the proposed use are conditions that are measurable and can be enforced and monitored.
11. Public use and interests will be served by approval of this proposal.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application CUP-15-01 Wenatchee School District is hereby **APPROVED** subject to the following Conditions of Approval.

### **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
3. The Applicant shall comply with all federal, state and local laws and regulations.
4. Construction shall proceed substantially as shown on the application materials on file with City of Wenatchee, except as modified by conditions below.
5. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
6. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
7. Any lighting associated with the completed project shall not be installed to shine on adjoining properties.
8. Any work or improvements in the public right-of-way shall require review and approval by the City of Wenatchee Public Works department.
9. The conditional use permit only applies to 1224 Methow Street, Wenatchee; and identified by Assessor's Parcel Nos.: 22-20-15-120-250 and 22-20-10-432-100., for which it is issued.
10. The Wenatchee School District shall maintain compliance with the standards of WCC Title 10 Zoning and conditions of the conditional use permit at all times. Violation of the terms of the

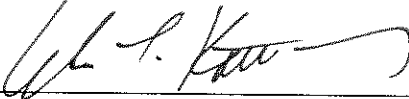


permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to WCC Chapter 13.13 Enforcement and Penalties.

11. Verification of compliance of the applicable standards and the recommended conditions of approval within the City of Wenatchee Development Review Engineer's report prepared by Donald Nelson, dated March 23, 2015 prior to the issuance of final occupancies for the building.
12. A landscape plan meeting all applicable requirements of WCC 10.62 must be submitted for review and approval for the completion of the commercial building permit process for this proposal.
13. A sign permit will be required for the proposed future reader board and shall be consistent with WCC Section 10.50.030.

Dated this 7<sup>th</sup> day of April, 2015.

CITY OF WENATCHEE HEARING EXAMINER



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Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the Issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a).